

Attorney Docket No.: **DEX-0522**
Inventors: **Salceda et al.**
Serial No.: **Not yet assigned**
Filing Date: **Herewith**
Page 7

REMARKS

Claims 1-18 are pending in the instant application. Claim 15 has been amended. Claims 17-18 have been canceled. Support for this amendment is provided in the specification at page 145-149. No new matter has been added.

Claims 1-18 have been subjected to the following Restriction Requirement:

Group I, claims 1-10 and 15-18, drawn to nucleic acids, methods for nucleic acid detection, vectors, transformed host cells, methods for producing polypeptides, kits, methods of treatment using nucleic acids, and nucleic acid vaccines;

Group II, claims 11, 12 and 16-18, drawn to polypeptides, kits, methods of treating using polypeptides, and polypeptide vaccines; and

Group III, claims 13-15, drawn to antibodies and protein binding assays.

The Examiner suggests that Groups I-III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical feature. Specifically, the Examiner suggests that the subject matter of Group I is materially different from the polypeptides of Group II and the antibodies of Group III.

Attorney Docket No.: **DEX-0522**
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Page 8

Further, the Examiner suggests that the methods of each of Groups I-III may be practiced independently of one another and therefore do not share a special technical feature.

The Examiner is also requiring Applicants to select one of the individual sequences for examination.

Applicants respectfully traverse this Restriction Requirement.

Applicants respectfully disagree with the Examiner that claims 1-18 do not share a special technical feature, particularly when limited to a single cancer specific marker. Applicants believe an elected nucleic acid sequence, as well as the protein encoded thereby and antibodies thereto share the special technical feature of being useful in diagnosing cancer.

Further, a search of the art relating to an elected nucleic acid sequence should reveal art relating to the protein encoded thereby and antibodies thereto.

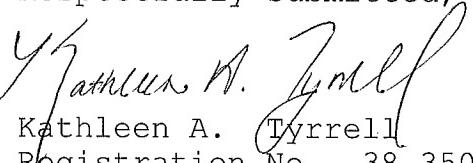
Accordingly, reconsideration and withdrawal of this Restriction Requirement is respectfully requested.

However, in an earnest effort to be completely responsive, Applicants elect Group I, claims 1-10 and 15-16, for SEQ ID NO:36, with traverse.

Applicants believe that the foregoing comprises a full and

Attorney Docket No.: **DEX-0522**
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Serial No.: **Not yet assigned**
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Page 9

complete response to the Office Action of record.

Respectfully submitted,

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